



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/053,937 | 01/24/2002 | Webb Nelson | PV-12 | 9037 |

7590 02/26/2003
Eric A. LaMorte
P.O. Box 434
Yardley, PA 19067-8434

EXAMINER

WARD, JOHN A

ART UNIT PAPER NUMBER

2875

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,937

Applicant(s)

NELSON ET AL.

Examiner

John A. Ward

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-17 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer (US 6,367,942) in view of Kessler (US 5,092,809).

Regarding claim 1, Bauer ('942) discloses a rotating chemiluminescent fan blade light display comprising vanes 3, (Merriam-Webster's Colligate Dictionary 10th ed, copyright 2001, define vanes as "a thin flat or curved object that is rotated about an axis by a flow of fluid or that rotates to cause fluid to flow or that redirects a flow or fluid" see figure 1), and extending from a common central area (figure 1, and 3). At least one chemical illumination assembly 4, disposed on at least one of the vanes (figure 1) that emit light when activated (column 3, lines 66-67, column 4, lines 1-7).

Regarding claim 2, figure 3 shows how the chemical illumination assembly 4, is symmetrically positioned around the common central area.

Regarding claim 3, figure 3, further shows separate chemical illumination assembly is present on at least two of the plurality of vanes.

Regarding claim 4, figure 3, further shows how the chemical illumination between at least some of said plurality of vanes when extended perpendicular from the vane and is mounted by slots 12 to the vane.

Regarding claim 5, figure 3 shows hook and loop fasteners which forms a slot 12, on at least some of the plurality of vanes and are used to retain at least one chemical illumination assembly 4 in place on some of the plurality of vanes 3 (column 4, lines 54-56).

Regarding claim 6, figure 1, and 3 shows a support shaft (not labeled) that is part of the mounting means 2 that mounts to the motor 1 which mounts is connected to the ceiling fan and which is attached to the plurality of vanes that are rotated by the motor 1 (column 3, lines 60-66).

Bauer does not disclose an axle pin extending through the common central area, of the vanes.

Regarding claim 1, Kessler ('809) shows a pinwheel toy that comprises of a plurality of vanes 4 that are coated by luminescent material and is fixed to a handle 6 by an axle pin 8 that extending through the common central area of the handle and vanes 4.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the chemical illumination fan including illuminated vanes of Bauer with the mounting structure of Kessler that includes an axle pin to hold the illuminated vanes in place in order to provide a plurality of vanes that

Art Unit: 2875

provide a pleasing and existing visual display either when the vanes is spinning or still as taught by Kessler (abstract).

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8-17 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 7 the prior art of record does not teach or suggest an adhesive bow base, wherein the axle pin extend for the adhesive bow base. Regarding claims 8-17 nowhere in the prior art of record is found one segment of material having a central point and salient points that are folded over the central point to form loops and at least one chemical illumination assembly disposed on at least some of the loops.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kerr (US 1,910,923), Peretti (US 2,923,088), Lee (US 3,475,850), Antonio (US 4,767,373) and Lyons (US 4,582,497) each shows decorative

Art Unit: 2875

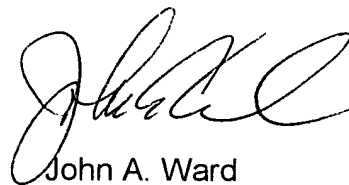
toy windmills having a plurality of vanes attached to a central point. Chmela et al (US 3,974,369) show an impulse operating flashing beacon having a plurality of vanes attached to central point with an illumination means attached to central portion of the vanes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 703-305-5157. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0596.

JAW
February 19, 2003


John A. Ward
Patent Examiner AU 2875